



MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF COMMISSIONERS
FOR THE
COUNTY OF LEE, STATE OF NORTH CAROLINA

FEBRUARY 20, 2006

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 3:00 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were W. Chad Adams, Robert H. Brown, Herbert A. Hincks, Jerry M. Lemmond, Nathan E. Paschal, and Robert T. Reives. Commissioner Amy L. Stevens was absent but joined the meeting during the closed session.

Chairman Hincks presided and the following business was transacted.

Commissioner Brown delivered the invocation.

Chairman Hincks led the pledge of allegiance.

The Board considered additions/changes to the agenda. Commissioner Reives asked that the Board approve a resolution, on the consent agenda, requesting the Central Carolina Community College Board of Directors to negotiate the purchase price and funding sources for land adjacent to the campus. County Manager David Smitherman asked the Board to award a contract for insurance and medical benefit brokerage services, and a resolution opposing the North Carolina Association of County Commissioners (NCACC) Medicaid Relief Task Force Proposal. Commissioner Adams moved to approve the above additions to the agenda. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

The Board considered consent agenda items. Commissioner Adams moved to approve the consent agenda as printed which consisted of the following items:

- Minutes of the January 23, 2006 regular meeting

- Minutes of the January 30-31, 2006 Board Retreat
- Minutes of the February 5, 2006 special meeting with the Cape Fear Fire Department Board of Directors
- Minutes of the February 6, 2006 regular meeting
- Tax Releases and Refunds for January 2006 (copy attached)
- Budget amendment # 02/20/06/#14 (copy attached)
- Request from the Health Department to receive \$8,343 from The State Family Planning Program
- Request from the Health Department to receive \$1,585 from The State Immunization Program
- Amendment to *Optional Coverage Plan* for Lee County's Scattered Site CDBG Program (copy attached)
- Classification changes for the Fire Marshal position and Social Services Computing Support Technician II position and addition of both positions to the Lee County Pay Plan
- Resolution for Cameron Volunteer Fire Department to proceed with refinancing project (copy attached)
- Resolution creating the Lee County Fire Advisory Board (copy attached)
- Resolution requesting Central Carolina Community College Board of Directors to negotiate price and seek supplementary funding sources to purchase additional land adjacent to the campus (copy attached)

Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
 Nay: None
 Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives read the resolution requesting that the Central Carolina Community College Board of Trustees negotiate the purchase price of adjacent land at the community college and seek supplementary funding sources to finance the future space and land acquisition needs of the college.

No one signed up to speak during the public comments section of the meeting.

The Board considered a request from Tax Administrator Kep Kepley to appoint Ms. Kathy Richardson and Ms. Denette Fitzpatrick as Deputy Tax Collectors. Chairman Hincks moved to approve the appointment of the above two individuals as requested per North Carolina General Statute 105-349 with the following provisions:

- Ms. Richardson and Ms. Fitzpatrick will remain general employees of the County subject to all provisions of the Lee County Personnel Policy (employees at will);
- Deputy Tax Collectors' salary shall be determined by the compensation and pay plan of Lee County; and
- Deputy Tax Collectors' bond will be set at \$100,000 each

Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

The Board considered the execution of a grant agreement and contract for the purchase of new voting machines. County Attorney K. R. Hoyle explained the following documents required for approval:

- Grant and Acceptance Agreement that will permit the State Board of Elections to be the County's payment agent for equipment and services to assist the Help With Americans Vote Act (HAVA) funding;
- Contract agreement with The Elections Systems and Software, Inc.
- Electronic version of request for proposal for voting equipment and an addendum incorporated in the contract by reference;
- State voting equipment order form to order voting equipment and supplies; and
- State voting equipment 30 K supplemental order form to be used to order additional equipment of services after the original HAVA money is allocated.

Mr. Hoyle stated that the grant allows for the cost of election programming and election support previously approved by other HAVA grants. He also stated that funds will be received from the State in the amount of \$197,776.00 and must be obligated by April 1, 2006. After some discussion, Commissioner Adams moved for the Chairman to execute the grant agreement and contract as discussed and recommended by the County Attorney, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

Emergency Services Director Jim Groves gave the Board a report concerning emergency shelters throughout Lee County. Chairman Hincks stated at the end of the presentation that he feels Lee County is not prepared for an emergency, based on the report given. No action was taken.

The Board considered a bid to purchase a mobile command post. Emergency Services Director Jim Groves told the Board that five (5) bids were solicited with one (1) being returned. Mr. Groves asked the Board to approve the bid from Matthews Specialty Vehicles, Greensboro, North Carolina, in the amount of \$184,606.00. In

September 2005 the Board approved acceptance of a Homeland Security Grant in the amount of \$195,000.00 to purchase a mobile command post. Mr. Groves stated the remaining \$10,394.00 will be used to purchase radios for each workstation in the mobile unit. The command post will be used by all emergency response organizations within Lee County. After some discussion, Commissioner Paschal moved to approve the bid from Matthews Specialty Vehicles in the amount of \$184,606.00 to purchase a mobile command post. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

The Board considered the annual Emergency Management Program Grant for the Emergency Services Office. Emergency Services Director Jim Groves asked the Board to authorize the County Manager to execute all required documents for the annual Emergency Management Program Grant from the North Carolina Division of Emergency Management in the amount of \$26,491.57. Commissioner Reives moved to approve the request for the County Manager to execute the annual funding grant as described above in the amount of \$26,491.57, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request from Emergency Services Director Jim Groves to transfer Specialty Rescue Team (SRT) funds to various volunteer fire departments and the City of Sanford Fire Department. Mr. Groves told the Board that in the FY 2002-03 budget, the Board approved and created funding for the Lee County Specialty Rescue Teams (SRT) with a \$300,000 grant, available over three years. An additional appropriation of \$23,000 was made to the grant in FY 2004-05. Each volunteer fire department, along with the City of Sanford Fire Department, signed an *Agreement for the Grant of Lee County Funds* in May 2003 in order for them to receive funding. The SRT was to be made up of members of the county volunteer fire departments and the City of Sanford Fire Department, and would be composed of a land search team, water rescue team, high angle team, heavy rescue team, and a trench rescue team. Mr. Groves stated that the original form of SRT management was not working; therefore, it has been suggested that particular stations handle responsibilities of managing specific SRT duties. Mr. Groves requested that the Board move the remaining funds from the original \$300,000 grant directly to the stations that will manage SRT activities and have each department sign a contract or Memorandum of Understanding. After much discussion, Chairman Hincks moved to distribute a total of \$52,439.16 to the following

fire departments and suspend the *Agreement for the Grant of Lee County Funds* approved by each department in May 2003:

Lemon Springs Fire Department (heavy duty rescue)	\$ 4,438.44
Northview Fire Department (land search rescue)	\$11,484.75
Cape Fear Fire Department (water rescue)	\$ 1,515.97
City of Sanford Fire Department (trench rescue)	<u>\$35,000.00</u>
Total	\$52,439.16

Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

Emergency Services Director Jim Groves presented a power point presentation on the *National Incident Management System (NIMS)*. Mr. Groves stated that seventeen (17) activities must take place by September 30, 2006, in order for Lee County to remain eligible to receive federal grant funds. The Lee County Board of Commissioners, the City of Sanford, and the Town of Broadway will be asked, at a later date, to approve a joint resolution establishing the *National Incident Management System (NIMS)* as the standard incident management for use in daily emergency and disaster operations in Lee County. No action was taken.

The Board considered a resolution to the North Carolina Department of Transportation (DOT) in reference to a bike trail at Riverbirch Shopping Center. Community Development Director Bob Bridwell told the Board that Lee County had received an \$800,000 appropriation last year for a bike trail from the Endor Iron Furnace to the Kiwanis Family Park. Mr. Bridwell stated that a letter to DOT has been drafted asking that they study a restoration plan for the project along Big Buffalo Creek past Riverbirch Shopping Center. The alignment would necessitate some limited encroachment along DOT right of way and relocating DOT's fence approximately 40 feet to the west, and 385 lineal feet north. After some discussion, Chairman Hincks moved that a letter be forwarded to the Department of Transportation requesting their assistance with the above mentioned project. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

The Board considered meeting dates for the month of March 2006. The County Manager, County Attorney and two Commissioners will be attending the annual NACo Conference in Washington, D.C., in early March; therefore, the meeting schedule will need to be changed. After some discussion, Commissioner Paschal moved that one

meeting be held at 3:00 p.m., Monday, March 20, 2006, with joint public hearings scheduled for 7:00 p.m. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

The Board considered legislative issues for federal funding. County Manager David Smitherman told the Board that in December 2005 the Board hired lobbyist Capitol Link to begin development of the County's 2006 legislative agenda. As a result, the Board terminated its agreement with Capitol Link and instructed its Legislative Liaison Committee composed of the County Manager and Commissioners Brown and Stevens to develop an agenda and pursue advocacy efforts with federal representatives. Mr. Smitherman presented the following four (4) projects as recommended by the committee for approval:

1. Floyd Knight School Gym, Pool and Therapy Complex
2. Endor Iron Furnace Restoration and Park
3. Lee Primary Care
4. Emergency Services Training Center

Mr. Smitherman stated that if the above four projects are approved; the committee will contact federal congressional representatives to present the agenda on behalf of the County. Mr. Smitherman further stated that additional formal funding requests will be prepared and submitted to Senators Richard Burr and Elizabeth Dole as well as Representative Bob Etheridge. After some discussion, Commissioner Lemmond moved to approve a resolution adopting the *2006 Lee County Federal Legislative Agenda*, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

Tax Administrator Kep Kepley gave the Board the monthly update on the 2007 Revaluation Project. Mr. Kepley stated that January was a really good month and production numbers were up for the project. He further stated that he was concerned that the project could run into problems if someone is not hired soon to replace Mr. Mike Cole who resigned from his Revaluation Coordinator position on February 17th. No action was taken.

The Board considered the award of brokerage services related to employee insurance and medical benefits. Ms. Patsy Rogers, Human Resource Director told the Board that in January, Lee County solicited proposals for brokerage services related to

employee insurance and medical benefits projects. Ms. Rogers stated that our current broker has represented us for ten years in the areas of medical, life and dental coverage only. There have also been several agents who have been allowed to offer voluntary products such as cancer, vision, intensive care, and accident policies to the employees for payroll deduction. Consolidating all products under one broker will allow the County to streamline administration, enhance benefits, reduce commission, and add services not currently available. A total of nine responses were received from the following agencies:

BB&T Insurance Services, Inc., Sanford, NC
BEC, Inc., Sanford, NC
GBS, Davidson, NC
Hill, Chesson & Woody, Chapel Hill, NC
JRW Associates, Inc., Raleigh, NC
Lacy West-Thomas Insurance Agency, Elizabethtown, NC
Mark III Brokerage, Inc., Charlotte, NC
McNeary, Charlotte, NC
Pinnacle Benefit Resources, Inc., Sanford, NC

Ms. Rogers stated that after careful review of the proposals, it is recommended that the County enter into an agreement with Mark III Brokerage, Inc. to provide employee insurance and medical benefits products. Ms. Rogers also stated that by contracting with Mark II Brokerage, Inc., the County will see a savings of at least \$45,000 in medical plan commission and an additional \$1,200 in Flexible Spending Account Administration. Commissioner Adams moved to enter into an agreement with Mark III Brokerage, Inc., Charlotte, North Carolina, for benefit brokerage services for employee insurance and medical benefits projects. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

County Manager David Smitherman presented a resolution to the Board for consideration opposing recent action taken by the North Carolina Association of County Commissioners (NCACC) Medicaid Relief Task Force. Mr. Smitherman stated that the NCACC Medicaid Task Force is proposing, as a remedy to ever increasing Medicaid costs, that counties and towns forfeit their shares of the 1% Article 39 sales tax to the State of North Carolina, and that counties indemnify the towns for the lost tax revenue as result of such forfeitures. As a result of this action, Lee County would lose \$4.4 million dollars per year in revenue in return for the State of North Carolina assuming Lee County's Medicaid expense of \$2.7 million dollars per year. Mr. Smitherman stated that it is hoped that the Association will look for relief that all one hundred counties can be happy with. After some discussion, Commissioner Adams moved to approve a resolution opposing NCACC Medicaid Relief Task Force Proposal, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously.

The Board considered an appointment to the Parks and Recreation Commission. Chairman Hincks stated that Mr. Joe Johnson recently submitted his letter of resignation from the Parks and Recreation Commission. Commissioner Paschal, who serves on the Parks and Recreation Commission, moved that Ms. Emily Page be moved from the first alternate position to serve Mr. Johnson's unexpired term, and Mr. Telesford Aguirre be moved from the second alternate position to the first alternate position. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously. Mr. Paschal stated he hoped to have a name available for the second alternate vacancy at the March 20, 2006 meeting.

The Board considered appointments to the Base Realignment and Closures Commission (BRAC) Steering Committee. Chairman Hincks moved that Commissioner Paschal be appointed as the County representative and Mayor Cornelia Olive be appointed as the representative from the City of Sanford. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously. Commissioner Reives stated that he would be willing to serve as an alternate member to the BRAC Committee.

During the Manager's Report, County Manager David Smitherman discussed the Monthly Financial Report and sales tax receipts for January 2006.

During the Commissioners' Comments section, Commissioner Paschal asked County Attorney K. R. Hoyle to draw up a resolution to establish an LCID Landfill and to set a public hearing for the March 20, 2006 regular meeting.

Commissioner Lemmond told the Board, that on his behalf, he had sent letters to CSX Railroad concerning complaints he had received in reference to railroad crossings on Liberty Road and Greenwood Road.

Commissioner Adams thanked County Manager David Smitherman for the good work he did on the recent Medicaid issue. Mr. Smitherman stated that he had been very vocal about the issue and stood up for what he thought was best for Lee County.

Chairman Hincks moved to go into closed session to discuss a personnel matter per North Carolina General Statute 143-318.11 (a) (6). Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives
Nay: None
Absent: Stevens

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session.

Commissioner Stevens joined the meeting during the closed session.

After completing business in closed session, Commissioner Brown moved to go out of closed session. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Hincks called the regular meeting back to order.

Commissioner Brown moved that County Manager David Smitherman be awarded a pay increase from \$84,706.00 per year to \$103,000.00 per year, effective March 1, 2006. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

With no further business to come before the Board, Chairman Hincks moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned in keeping with the motion.

Herbert A. Hincks, Chairman

ATTEST:

Gaynell M. Lee, Clerk